

November 21, 2012

BY ELECTRONIC DELIVERY

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street SW
Washington DC 20554

**Re: Supplement to Progeny Request for Waiver and Limited Extension of Time
FCC File Numbers: 0005273211-0005273290, 0005273309-0005273348,
0005273354-0005273393, 0005273400-0005273459, 0005273491-0005273550,
0005273555-0005273602, 0005273607-0005273654
WT Docket No. 12-202**

Dear Ms. Dortch:

Progeny LMS, LLC (“Progeny”) has completed construction and has brought into operation its initial multilateration location and monitoring system (“M-LMS”) networks in 39 of its top 40 licensed economic areas (“EAs”).¹ Progeny’s initial M-LMS networks make available multilateration services to at least 33% of the population in each of these 39 EAs.² Progeny M-LMS transmitters have been operating in these EAs at their fully authorized power on a test basis without resulting in unacceptable, or even harmful, interference to Part 15 devices. As directed by the Commission, however, Progeny is not yet providing position location services on a commercial basis in any of these EAs pending the completion of the Commission’s review of Progeny’s demonstration of compliance with its Section 90.353(d) requirements.

On June 21, 2012, Progeny filed a Request for Waiver and Limited Extension of Time of its July 19, 2012 milestone deadline seeking additional time to complete construction and initiate commercial operations for various groups of its M-LMS licenses, requesting 90 days for the

¹ Completion of construction in the 40th EA (Orlando) has been delayed due to a nesting eagle on one of the tower sites.

² Progeny filed formal Notifications of Compliance providing the dates and coverage maps for its completion of construction and initiation of operations for its M-LMS licenses in each of these 39 EAs using FCC Form 601 as required by Section 1.946(d) the Commission’s rules.

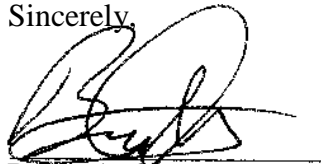
licenses in the top 40 EAs and from two and four years for less populated areas.³ Although Progeny has brought its initial M-LMS networks into operation in 39 EAs, Progeny continues to require additional time to satisfy its initial milestone in these EAs due to the fact that the Commission has not yet authorized Progeny to begin providing commercial service. Further, Progeny also needs additional time to complete construction and bring its initial M-LMS network into operation in its 40th EA (Orlando) because a nesting eagle has foreclosed access to one of the transmitter sites until the end of nesting season in February 2013.

Pursuant to Section 1.946(e)(4) of the Commission's rules, a licensee's construction period is automatically extended pending the disposition of an extension request that is filed based on circumstances beyond a licensee's control.⁴ The pending Commission action on Progeny's Part 15 test demonstration and the nesting eagle in Orlando clearly qualify as circumstances beyond Progeny's control and therefore the construction period is automatically extended during these periods of unavoidable delay.

Once the Commission approves Progeny's Section 90.353(d) demonstration, Progeny desires a startup period of 60 days thereafter to begin providing commercial M-LMS service to third parties in its top 40 EAs.⁵ Progeny requests that this startup period be reflected in any extension or waiver order that is granted by the Commission in this proceeding. Further, Progeny will require until March 30, 2013 to complete construction and begin operations using its two M-LMS licenses in the Orlando EA.⁶ Progeny requests that this unavoidable delay also be reflected in the Commission's order addressing Progeny's milestones.

Thank you for your attention to this matter. Please contact the undersigned if you have any questions.

Sincerely,



Bruce A. Olcott
Counsel to Progeny LMS, LLC

³ See Request of Progeny LMS, LLC For Waiver and Limited Extension of Time, File Nos. 0005273211-0005273290, 0005273309-0005273348, 0005273354-0005273393, 0005273400-0005273459, 0005273491-0005273550, 0005273555-0005273602, 0005273607-0005273654, WT Docket No. 12-202 (June 21, 2012).

⁴ 47 C.F.R. § 1.946(e)(4).

⁵ The FCC File numbers for the extension requests that Progeny filed for its M-LMS licenses in its top 40 EAs are file numbers 0005273211 through 0005273290. Progeny is therefore filing this letter in these 80 files and in WT Docket 12-202.

⁶ Call Signs WPQP897 and WPQP898.